

Thank you for your comment, Amanda Brashear.

The comment tracking number that has been assigned to your comment is POCSWS50042.

Comment Date: March 23, 2016 11:43:40AM
Well Stimulation Treatments on the Southern California OCS Draft EA
Comment ID: POCSWS50042

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Comment Submitted:

DOGGR's comment letter is attached. Thank you.



March 23, 2016

Mr. Rick Yarde
Office of Environment Pacific Region
Bureau of Ocean Energy Management
760 Paseo Camarillo, Suite 102 (CM102)
Camarillo, CA 93010

Subject: Comments on the Draft Programmatic Environmental Assessment (PEA) for the use of Well Stimulation Treatments on the Southern California Outer Continental Shelf

Dear Mr. Yarde:

The Division of Oil, Gas, and Geothermal Resources (DOGGR) has reviewed the above referenced document (hereinafter referred to as PEA) and appreciates the Bureau's effort in undertaking this assessment. We offer the following comments for your consideration.

Purpose and Need

We disagree with the statement that the need for action is "to allow certain WSTs" as this is the same phrase used to describe your proposed action. While the Bureau's proposal is to allow the use of certain WSTs, the purpose and need would be more accurately represented as the goal (e.g. to increase production, increase economic viability, etc.). Achieving this goal may be accomplished through a number of different alternatives.

Proposed Action and Alternatives

DOGGR recommends the PEA be revised to consider additional mitigation measures that are within the reasonable range of alternatives for addressing the purpose and need for action.

Potential measures could include:

- Requirement to disclose WST fluid constituents and additives on a publicly available website such as DOGGR's WST Disclosure Search (<https://secure.conservation.ca.gov/WSTDisclosure>) or FracFocus.
- Requirement to notify stakeholders within the region of influence prior to WST and/or discharge of waste WST fluids into open waters. Applicable State agencies may include the California Coastal Commission, State Lands Commission, and Department of Fish and Wildlife/Office of Spill Prevention and Response.
- Requirement of operators to specifically include information on the handling of WST fluids and additives in their Oil Spill Response Plans to demonstrate that systems and resources are in place to act quickly and effectively in the event of a spill.
- Requirement of testing permitted discharge waters following each WST to address data gaps regarding WST fluid toxicity.

Additionally, we would like to see incorporated in the PEA a discussion of how this federal action would comply with Department of Interior's policy, *Implementing Mitigation at the Landscape-Scale*, published in 2015.

Discharge of Waste WST Fluids

DOGGR believes that even though discharge of WST waste fluid is an activity permitted by the U.S.EPA, it does not mean impacts are absent. These impacts should be fully described, whether or not they are permitted.

DOGGR supports the consideration of Alternative 3 - No Dumping of WST Fluids as an appropriate alternative to the proposed action. We encourage that best management practices be used when conducting WST to include disposal of WST fluids and comingled produced water through underground injection.

An assessment of the need for new injection wells and their geographic areas is important to fully analyze the effects of Alternative 3. The description of Alternative 3 mentions the potential need for additional injection wells where waste fluid disposal occurs only via permitted open water discharge. However, the document lacks quantification on this need. The data necessary for quantification may already be present in: the discussion of the importance of WSTs for the development of basins in the OCS (Section 3.2 Geology and Seismicity); historic use of WSTs from platforms in federal waters (Section 4.1 Historic Use of WSTs in Offshore Waters of Southern California); and in data presented in Table 4-2, Hydrocarbon/Produced Water Separation and Produced Water Disposal on Platforms on the Southern California Outer Continental Shelf (OCS).

Additionally, a description of existing injection capacity to accept WST waste and comingled produced waters would assist the decision-maker in choosing among alternatives.

The assessment concludes that effects of discharging WST fluids on marine life are not fully understood due to the lack of toxicity data for many constituents of WST fluids (pg. 4-30 lines 25 and 26). However, NEPA regulations require federal agencies to obtain that information if the overall costs of doing so are not exorbitant (CEQ NEPA Regulations, Incomplete or Unavailable Information Final Rule, 80 Fed. Reg. 15618, April 25, 1986). Toxicity testing of permitted discharge containing WST fluids could help address this data gap. Adoption of this mitigation measure would be an appropriate response to the scientific uncertainty.

California Council on Science and Technology Study

The California Council on Science and Technology (CCST) in its *Independent Scientific Assessment of Well Stimulation in California* concluded that record keeping for WST in federal waters does not meet state standards. We ask you to please consider the following conclusions and recommendations when making your decision on the proposed action.

- Data collection and record keeping concerning WST in federal waters should at least match the requirements of SB 4 – Oil and Gas: Well Stimulation.
- Additional assessment of the impacts of ocean discharge should be conducted.
- Reporting of offshore WST and water disposal data in federal waters should be similar to state water reporting requirements in order to establish baseline information about the possible impacts of chemical use offshore.

Stakeholder Participation

We could not find in the document procedures used for stakeholder participation during PEA preparation. Although we realize that formal scoping is not required for an Environmental Assessment, DOGGR believes the Bureau would have benefitted from public and agency input during document preparation.

Impact Determinations

The Bureau's general conclusion that WST has less than significant impacts on the OCS is partially based on a historically low rate of WST treatments conducted in federal waters. While it is reasonable to assume that this low rate would continue in the future, the Bureau should describe what steps it would take should WST rates increase. DOGGR suggests this uncertainty be addressed through an adaptive management strategy so if the rate of WST increases above historical levels, the practice would undergo additional environmental review.

DOGGR appreciates the opportunity to review and comment on the draft PEA. Please send our office one copy of the final PEA when complete. If you have any questions or concerns, please feel free to contact me at (916) 319-8221 or cathi.slaminski@conservation.ca.gov, or Amanda Brashear at (916) 319- 8261 or Amanda.brashear@conservation.ca.gov.

Sincerely,



Cathi E. Slaminski
CEQA Unit Supervisor